

REMARKS

Claims 1-19 were filed in the original application. Claims 9, 15 and 17 were previously withdrawn due to a requirement of restriction and are now hereby cancelled, without prejudice; claims 1-8, 10-14, 16, 18 and 19 remain pending. Applicant thanks the Examiner for indicating that claims 14 and 16 would be allowable if amended to incorporate all limitations of their base and any intervening claims. Claims 1-8, 10-13, 18 and 19 stand rejected.

Claims 1-3, 5 and 12 are hereby cancelled, without prejudice, claims 4, 13, 14, 16, 18, 19 are amended, and new dependent claims 20 and 21 are introduced.

Upon entry of this Amendment, claims 4, 6-8, 10, 11, 13, 14, 16, 18-21 will be pending, and are presented for reconsideration. Applicants submit that no new matter is introduced by the amendments, and that claims 4, 6-8, 10, 11, 13, 14, 16, 18-21 are in condition for allowance.

Amendments to the Claims

Claim 4 is amended to include all of the limitations of its base claim, i.e., claim 1, now cancelled.

Dependent claims 14 and 16 are rewritten in independent form to include all of the limitations of original independent claim 12.

Claims 13, 18 and 19 are amended to depend from claim 14. Claim 18 is further amended to maintain consistency of language.

New Claims

New claims 20 and 21 depend from claim 16. New claim 20 corresponds to original claim 13. New claim 21 corresponds to original claim 19.

Rejection of Claims 1, 2 and 5 Under 35 U.S.C. § 102(b)

Claims 1, 2 and 5 are rejected under 35 U.S.C. § 102 (b), as being anticipated by Hargrove et al. (US 4,699,356). Claims 1, 2 and 5 are cancelled.

Rejection of Claims 12 and 13 Under 35 U.S.C. § 102(e)

Claims 12 and 13 are rejected under 35 U.S.C. § 102(e), as being anticipated by Patzer (US 5,578,059). Claim 12 is cancelled. Claim 13 is amended to depend from allowable claim

14. Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) of dependent claim 13, as amended.

Rejection of Claim 3 Under 35 U.S.C. § 103 (a)

Claim 3 is rejected under 35 U.S.C. § 103 (a), over Hargrove in view of Guibert (US 2,844,964). Claim 3 is cancelled.

Rejection of Claim 4 Under 35 U.S.C. § 103 (a)

Claim 4 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hargrove. Applicant respectfully submits that Hargrove does not teach or suggest all of the features recited by claim 4, for the following reasons.

Hargrove does not teach or suggest the use of a first seal that includes a tapered surface on a tubular body member for engaging with a tapered socket on a vial to make a substantially gas-tight seal between the tubular body member and the vial. Moreover, Applicant respectfully disagrees with the assertion in the office action of the equivalence of screw threads to the tapered surface and tapered socket features of the vial closure device, as recited by claim 4. The tapered surface and socket are advantageously easier and less costly to manufacture in comparison to screw threads. The features, as recited, also provide a greater tolerance to variation in size of both vials and closure devices.

Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of dependent claim 4.

Rejection of Claims 6-8, 10 and 11 Under 35 U.S.C. § 103 (a)

Claims 6-8, 10 and 11 are rejected under 35 U.S.C. § 103 (a), over Hargrove. Dependent claims 7, 8, 10 and 11 depend from independent claim 6. Applicant respectfully submits that Hargrove does not teach or suggest all of the features recited by claim 6, for the reasons described above for claim 4. Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of claim 6 and of its dependent claims, i.e., claims 7, 8, 10 and 11.

Rejection of Claim 18 Under 35 U.S.C. § 103(a)

Claim 18 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Patzer in view of Guibert. Claim 18 is amended to depend from allowable claim 14. Applicant

respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of dependent claim 18, as amended.

Rejection of Claim 19 Under 35 U.S.C. § 103(a)

Claim 19 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Patzer. Claim 19 is amended to depend from allowable claim 14. Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of dependent claim 19, as amended.

Allowable Claims 14 and 16

The Examiner indicated that dependent claims 14 and 16 appear to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 14 and 16 have been amended in the suggested manner. Accordingly, Applicant respectfully requests reconsideration of the objection to claims 14 and 16.

New Claims

New dependent claims 20 and 21 depend from allowable claim 16.

Conclusion

In view of the amendments and remarks presented herein, Applicant respectfully requests that the rejection of claims 4, 6-8, 10, 11, 13, 18 and 19 be reconsidered and withdrawn, with claims 4, 6-8, 10, 11, 13, 14, 16 and 18-21 proceeding to allowance. The Examiner is invited to call the undersigned, if the Examiner believes that a telephone conversation could be helpful in expediting prosecution of the instant application.

Respectfully submitted,

Date: April 5, 2007

/Jamie H. Rose/
Jamie H. Rose - Reg. No. 45,054
Attorney for Applicant

Tel. No.: (508) 482-3869
Fax No.: (508) 248-2320